

### **REMARKS**

Claims 11-19 are pending in the above-identified application. Claims 1-10 were previously cancelled and remained cancelled.

In the Office Action of February 3, 2009, claims 11-19 were rejected. With this Amendment, claim 11 is amended.

#### **I. 35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claims 11-19 were rejected under 35 U.S.C. § 112, first paragraph.

With this amendment, claim 11 is amended taking into consideration the Examiner's suggestions. Applicant respectfully requests the withdrawal of this rejection.

Claims 11-19 are rejected under 35 U.S.C. 112, second paragraph.

With this amendment, claim 11 is amended taking into consideration the Examiner's suggestions. Applicant respectfully requests the withdrawal of this rejection.

#### **II. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 11-13 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *JP-2001-176466* ('466) in view of *Fukuda et al.* (US 6,001,505).

Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over '466 taken in view of both *Fukuda* and *Eschbac et al.* (US 5,631,103). Applicant respectfully traverses this rejection.

In relevant part, independent claim 11 now recites a battery which includes a first resin layer disposed on the side of a metal layer closest to a battery element with a thermoplastic layer in between the metal layer and the first resin layer, and a second resin layer disposed on the side

of the metal layer farthest from the battery element with an adhesive layer in between the metal layer and the second resin layer where the adhesive layer has a thickness of 20µm or less and the adhesive of the adhesive layer including at least two selected from a group of acrylic adhesives and polyurethane adhesives and the thermoplastic layer has a thickness of 50 µm or less.

This is clearly unlike '466 which fails to disclose or even fairly suggest a battery which includes a first resin layer disposed on the side of a metal layer closest to a battery element with a thermoplastic layer in between the metal layer and the first resin layer, and a second resin layer disposed on the side of the metal layer farthest from the battery element with an adhesive layer in between the metal layer and the second resin layer where the adhesive layer has a thickness of 20µm or less and the adhesive of the adhesive layer including at least two selected from a group of acrylic adhesives and polyurethane adhesives and the thermoplastic layer has a thickness of 50 µm or less. Instead, '466 discloses an aluminum foil layer 2 with two adhesive layers 4a and 4b each formed on one side of a metal layer 3 which are each 3 µm thick and are both made of a liquid hardening type polyurethane. See, *JP-2001-176466*, Para. [0030]. Nowhere does '466 disclose that one of the layers is a thermoplastic layer and one layer is a adhesive layer made from at least two selected from a group of acrylic adhesives and polyurethane adhesives.

*Fukuda* and *Eschbac* both fail to disclose anything pertaining to an adhesive layer, much less an adhesive layer having a thickness of 20µm or less and the adhesive of the adhesive layer including at least two selected from a group of acrylic adhesives and polyurethane adhesives. Instead, *Fukuda* discloses an inner layer made of maleic acid modified polyolefin with a

thickness of 30 - 200  $\mu\text{m}$ . See, US 6,001,505, Col. 3, l. 31-35. *Eschbac* does not disclose any type of adhesive layer.

Therefore, because '466, *Fukuda*, *Eschbac* or any possible combination of them fail to disclose or even fairly suggest every feature of claim 11, the rejection of claim 11 cannot stand. Because claims 12-19 depend, either directly or indirectly from claim 11, they are allowable for at least the same reasons.

### **III. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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